

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA
ex rel. ADAM GREMILLION and the State
of Texas *ex rel.* ADAM GREMILLION,

Plaintiff,

V.

EMPOWER PHARMACEUTICALS, LLC,
SHAUN NOORIAN, LARRY LIPSHULTZ,
M.D., and MOHIT KHERA, M.D.,

Defendants.

Civil Action No.: 4:19-cv-621-ALM

FILED UNDER SEAL
(Pursuant to 31 U.S.C. § 3730(b))

**THE UNITED STATES OF AMERICA’S NOTICE OF CONSENT TO RELATOR’S
VOLUNTARY DISMISSAL**

On August 22, 2019, Relator Adam Gremillion (“Relator”) filed a complaint in this action on behalf of the United States and against Empower Pharmaceuticals, LLC, Shaun Noorian, Larry Lipshultz, M.D. AND Hohit Kkera, M.D., (collectively “Defendants”). This case was filed as a *qui tam* complaint under the False Claims Act, 31 U.S.C. § 3730, *et seq.* On August 11, 2023, Relator filed a Notice of Voluntary Dismissal of this action without prejudice to the United States.

The United States has not intervened in this action, although it remains the real party in interest. Relator has expressed a desire not to pursue this action, which involves claims that may affect the United States' interests. Given Relator's desire to dismiss this lawsuit, the Government expresses concern that (1) its interests may not be adequately pursued in this action and (2) forcing Relator to litigate in such circumstances may result in unnecessary litigation. Accordingly, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States of America, through the undersigned Assistant United States Attorneys, respectfully notifies the Court that the United

States consents to the dismissal of this action, if any only if such dismissal is **without prejudice** to the rights of the United States. A proposed order accompanies this notice.

Respectfully submitted by,

DAMIEN M. DIGGS
United States Attorney
Eastern District of Texas

/s/ Adrian Garcia
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**ATTORNEYS FOR THE
UNITED STATES OF AMERICA**

CERTIFICATE OF SERVICE

I hereby certify on this 28th day of August, 2023, I caused copies of the United States of America's Notice of Consent to Relator's Voluntary Dismissal, and proposed order, to be served by e-mail on:

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/s/ Adrian Garcia

ADRIAN GARCIA